REMARKS

Claims 1-5 and 18-23 are pending in the application, with Claims 1 and 18 being independent. Applicant amends Claims 1, 4, 18, and 22 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 6, 7, and 8. Therefore, these revisions introduce no new matter.

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Previous Non-Compliance

Applicant appreciates the Examiner's notice of non-compliance in the Restriction requirement. Accordingly, Applicant replied to the notice.

Claim Objections

Claims 1, 4, and 22 stand objected to because of informalities. Applicant amends Claims 1, 4, and 22 to address the informalities noted in the Office Action. Applicant appreciates the Examiner's assistance during the interview that the claim amendments overcome the objections. Accordingly, Applicant requests withdrawal of these claim objections.

Claim Rejections under 35 U.S.C. §103

Claims 1-5 and 18-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,983,049 to Wee et al. (hereinafter "Wee") in view of US Patent No.

6,918,034 to Sengodan et al. (hereinafter "Sengodan"). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 1**, to clarify further features of the subject matter. Amended Claim 1 now recites an apparatus comprising:

> means for encrypting a data stream with an arbitrary block size to form a plurality of encryption units; and
> means for packetizing the plurality of encryption units into a plurality RTP packets each including:
> an RTP packet header;
> one or more payloads of a common data stream and selected from the group consisting of:
> one or more said encryption units;
> fragment of one said encryption unit; and
> one RTP payload format header for each said payload and including, for the corresponding encryption units, a boundary for the arbitrary block size;
> **wherein there is a separation of audio data and video data into the RTP packets, without containing mixed media payloads;**
> **wherein the RTP packet header of each packet contains information relating to the separation of the audio data and video data.**

Applicant respectfully submits that no such apparatus is taught or suggested by Wee and/or Sengodan.

References Fail to Teach or Suggest Separating Audio Data and Video Data into RTP Packets

First, Applicant asserts the evidence no longer establishes a *prima facie* case of obviousness. Applicant agrees with the Office that Wee fails to describe RTP packets. Rather, Wee is directed to storing data streamed over a network, where the encrypted data are stored by a second device (Abstract). Wee illustrates video data that is comprised of a stream of uncompressed video frames (Figs. 6 and 7). Nowhere in Wee is there any mention or

discussion of separation of audio data and video data and RTP packets. Thus, Applicant submits Wee fails to disclose, teach, or suggest "a separation of audio data and video data into the RTP packets, without containing mixed media payloads", as recited in Applicant's amended Claim 1.

Second, Sengodan fails to compensate for the deficiencies of Wee. Sengodan is directed to Internet Protocol telephony, providing encryption and authentication of mini-packet in a real time protocol (col. 1, lines 11-14). Sengodan illustrates the mini-packet controller receiving PSTN/GSM/PBX network and RTP in the telephone gateway (col. 8, lines 41-44, Fig. 7). While Sengodan mentions RTP, there is no discussion or mention of "a separation of audio data and video data into the RTP packets, without containing mixed media payloads; wherein the RTP packet header of each packet contains information relating to the separation of the audio data and video data", as recited in Applicant's amended Claim 1. Thus, Sengodan does not provide what is missing from Wee to support a §103 rejection.

Thus, Applicant submits that Wee and Sengodan, alone or in combination, do not disclose, teach, or suggest "*a separation of audio data and video data into the RTP packets, without containing mixed media payloads; wherein the RTP packet header of each packet contains information relating to the separation of the audio data and video data*", as recited in Applicant's amended Claim 1. Accordingly, Applicant submits that the evidence relied upon by the Office no longer supports the rejections made under §103.

Insufficient Evidence to Suggest Reason to Modify References

Third, there must be some <u>articulated reasoning with some rational underpinning</u> to support the legal conclusion of obviousness... KSR Int'l Corp. v. Teleflex, Inc., Slip Op. at

14 (U.S. Apr. 30, 20076) (quoting In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006)). The Office stated one of ordinary skill in the art at the time the invention was made would have been motivated to implement the data streaming scheme of Wee with the use of RTP packets of Sengodan in order to encryption and authentication of RTP packets in IP communications as suggested by Sengodan (Office Action, pg. 5). Applicant respectfully disagrees and submits that this modification is not well reasoned, because there is nothing in either of the references that would suggest this reason. Furthermore, Sengodan was filed in 1999, prior to the filing of Wee in 2001. Thus, a person of ordinary skill in the art at the time the invention was made was not motivated to modify Wee with the use of RTP packets.

Also, there is no articulated reason with some rational underpinning to support this rejection. Instead, the asserted reason relies on hindsight without evidence of articulated reasoning to propose the suggested modification. This rejection is improper for this additional reason.

Independent Claim 18 is directed to a method and has been amended to recite features along the lines of Claim 1. Applicant submits that Claim 18 should be allowable for reasons similar to those discussed above with respect to Claim 1.

Dependent Claims 2-5 and 19-23 depend directly or indirectly from one of independent Claims 1 and 18 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claims 1 and 18, are not disclosed, taught, or suggested by Wee and/or Sengodan.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes

over the cited references. For all of these reasons, Applicant respectfully requests the §103 rejection of these claims should be withdrawn.
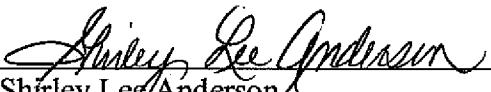
Conclusion

Claims 1-5 and 18-23 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

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By: _Shirley Lee Anderson_
Shirley Lee Anderson
Reg. No. 57,763
509.324.9256 ext. 258